

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

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|--|---|-------------------------------|
| Janice Shorter, |) | CIVIL ACTION NO. 3:16-CV-1973 |
| <i>Personal Representative and Legal</i> |) | |
| <i>Guardian for Donshay Sayles</i> |) | (MANNION, D.J.) |
| Plaintiff |) | |
| |) | (ARBUCKLE, M.J.) |
| v. |) | |
| |) | |
| Charles E. Samuels, Jr. <i>et al.</i> , |) | |
| Defendants |) | |

ORDER ON PLAINTIFF'S MOTION TO COMPEL (Doc. 96)

Plaintiff's Motion to Compel will be Granted in Part and Denied in Part.

The following discovery disputes were resolved by the parties while Plaintiff's Motion was pending and are therefore denied as moot:

- (a) Request for Production #1 (Green Monster Logbook);
- (b) Request for Production #3 (Sayles' Form 292s);
- (c) Request for Production #9 (May 14, 2014 Daily Logs);
- (d) Request for Production #11 (Wing's "Sensitive Report" Information);
- (e) Additional Request #1 (Wing's FBI Interview); and,
- (f) Additional Request #4 (Sayles' Request Slips).

The following requests for production are DENIED for the reasons stated in the Memorandum Opinion:

- (a) Request for Production #2 (Wing's Form 292s);

- (b) Request for Production #6 (Rounds Check Sheets) and request for spoliation hearing;
- (c) Request for Production #20 (Lieutenants' Meetings Course List); and,
- (d) Additional Request #3 (Sayles' Administrative Remedy Requests).

The following requests for production are GRANTED as follows:

- (a) Request for Production #26 and Additional Request #2 (Portions of Three Custodial Manuals). Copies of the requested sections of the manuals should be turned over with appropriate designations under the stipulated confidentiality order. However **IF** Defendants object to the production of **specific passages** from these chapters such that they would need to be redacted despite the protections already in place, they may submit a copy of that chapter to the Court, along with a detailed explanation of their basis for withholding or redaction of **each specific paragraph** at issue for *in camera* review. Two documents, one with and one without redactions, must be sent to my Courtroom Deputy via email to Christine_Williamson@pamd.uscourts.gov on or before **April 15, 2021**. The subject line of that email should be "*Shorter v. Samuels*, 3:16-CV-1973, documents for *in camera* review."

The following requests for discovery require further action by the parties before they can be resolved by the Court:

- (a) Plaintiff should address Requests for Production #22, 27, 28 (Inmate Violence Reports) individually in a new, separately filed Motion to Compel. This new Motion to Compel (along with the Supporting Brief and any exhibits) is due on or before **April 15, 2021**;
- (b) With respect to Request for Production #29 (Defendants' Personnel Files, specifically disciplinary history and performance evaluations), Defendants will either turn over the requested files or submit one full unredacted copy, and one proposed redacted copy, of the disciplinary files and employee performance reviews for the eleven Defendants listed in Section IV.A.10 of this Opinion for the period between January 1, 2009 and June 1, 2014 on or

before **April 15, 2021**. These files must include both substantiated and unsubstantiated allegations.

Defendants will submit one full unredacted copy and one proposed redacted copy, of any entry of any disciplinary matter that involves one of the eleven Defendants listed in Section IV.A.10 and either Wing or Sayles on or before **April 15, 2021**. If there are none outside of the time period specified above, then Defendants should indicate there are none. The unredacted and redacted copies of the disciplinary files and employee performance reviews should be submitted via email to Christine_Williamson@pamd.uscourts.gov. The subject line of that email should be “*Shorter v. Samuels*, 3:16-CV-1973, documents for *in camera* review.”; and,

- (3) At the time briefing concluded on this Motion, the parties were still engaging in informal discussions to resolve Request for Production #34 (Email Search Terms). The parties are encouraged to continue those discussions. If the parties reach an impasse on the issue of Email Search terms or the universe to be searched, they are directed to contact my Courtroom Deputy on or before **April 15, 2021** to schedule a telephone conference.

All in accordance with the Memorandum Opinion filed this date.

Date: March 17, 2021

BY THE COURT

s/William I. Arbuckle
William I. Arbuckle
U.S. Magistrate Judge